

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

**RECEIVED**

JAN - 3 2003

In the Matter of

Amendment of Section 73.202(b)	)	
Table of Allotments	)	MB Docket No. _____
FM Broadcast Stations	)	RM - _____
(Savannah, Springfield and	)	
Tybee Island, GA)	)	

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

To: Assistant Chief, Audio Division  
 Media Bureau

**PETITION FOR RULE MAKING**

Cumulus Licensing Corp. ("Cumulus"), licensee of Stations **WSIS(FM)**, Springfield, Georgia, and **WEAS(FM)**, Savannah, Georgia, by their counsel, hereby request that the Commission amend the FM Table of Allotments by deleting Channel 280C3 from Springfield, Georgia and adding Channel 280C2 to Tybee Island, Georgia, at its first local service, by reallocating Channel 226C1 from Savannah, Georgia to Springfield, Georgia as a replacement service, and modify the licenses of Stations WSIS and WEAS, respectively. If the Petition is granted, Cumulus will file applications to modify the license of Station WSIS to specify operation on Channel 280C2 at Tybee Island and of Station WEAS to specify operation on Channel 226C1 at Springfield

In support hereof, Cumulus states as follows:

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 MB

**I. STATION WSIS, SPRINGFIELD, GEORGIA AND TYBEE ISLAND, GEORGIA**

**A. 'Technical Analysis**

1. As demonstrated in the Technical Exhibit, Channel 280C2 can be allotted to Tybee Island, Georgia at coordinates 32°00'45" North Latitude, 80°50'44" West Longitude consistent with Section 73.207 of the Commission's Rules, with no site restriction. See Figures 1 and 2. The relocation of WSIS to Tybee Island will result in a net gain in population of 70,081 persons able to receive a 60 dBu signal from the station. See Figure 3. The loss area will continue to be well served by more than five aural services. See Figure 4

**B. Change in Community of License**

2. In order to grant a change in community of license the following prerequisites must be met: (i) the proposed use must be mutually exclusive with the existing use; (ii) the proposed allotment plan must represent a preferred arrangement of allotments for the communities involved; and (iii) the change must not deprive a community of an existing service representing its sole local transmission outlet. *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License*"). All three criteria are satisfied in this case. First, the proposed allotment of Channel 280C2 at Tybee Island is mutually exclusive with the existing allotment of Channel 280C3 at Springfield. See Figure 1. Second, the relocation results in a preferred arrangement of allotments under the Commission's priorities, since Tybee Island (2000 U.S. Census pop. 3,392) will receive a first local service (Priority 3) while Springfield (pop. 1,821) will retain local service from Station WEAS as proposed herein. (Priority 4). See *Revision of FM Assignment Policies and*

*Procedures*, 90 FCC 2d 88 (1982). Third, while Savannah **will** lose a local service, it will continue to be served by **fourteen** (14) local stations.

3. Tybee Island is located in the Savannah Urbanized area. This relocation implicates the Commission's policy concerning the potential migration of stations from underserved rural areas to well-served urban areas. See *Elizabeth City, North Carolina and Chesapeake, Virginia*, 9 FCC Rcd 3586 (1994). Nevertheless, Cumulus will demonstrate that Tybee Island is an independent community, utilizing the Tuck factors." In making the determination whether to award an urbanized community a first local service preference, the Commission will consider the extent to which the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the independence of the suburban community. *Faye and Richard Tuck, supra*. In this case, from the proposed transmitter site, WSIS will place a 70 dBu contour over 79% percent the Savannah Urbanized Area. Currently WSIS covers approximately 10% of the Urbanized Area. Tybee Island is located in 25.7 kilometers away from Savannah. The 2000 Census population of Tybee Island is 3,392 which is 3.3 percent of the population of Savannah (101,505). These figures are similar to those of other suburban communities granted a first local preference. See, e.g., *Anniston, Alabama*, 16 FCC Rcd 3411 (2001), *aff'd by the Commission*, 16 FCC Rcd 19857, (2001) and cases cited therein. In any event, the Commission has repeatedly stated that these factors are less important than evidence of independence. See *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995). In making this determination, the Commission is guided by the criteria set forth in *Faye and Richard Tuck, supra*. The Commission will consider eight factors in assessing the independence of a specified community:

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<sup>1</sup> *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988)

(1) the extent to which the community residents work in the larger metropolitan area, rather than the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) whether the community has its own commercial establishments, health facilities, and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising market; and (8) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries. *Tuck*, 3 FCC Rcd at 5378. All eight factors need *not* favor the applicant; however, if a majority of the factors demonstrate that the specified community is distinct from the urbanized area, the Commission will treat it as an independent community. *Id.*; *Parker and Port St. Joe, Florida*, 11 FCC Rcd 1095, ¶¶ 9-11 (1996) (finding that the proposed community was independent, although it lacked its own telephone directory and local newspaper, and was included in the urbanized area's market by Arbitron); accord *Jupiter and Hobe Sound, Florida*, 12 FCC Rcd 3570, ¶ 3 (1997) (citing *Parker and Port St. Joe, Florida*).

4. In this case, the evidence presented, evaluated in light of Commission precedent in other change of community allocation proceedings, abundantly supports a finding that Tybee Island is independent from Savannah, Georgia.

(1) *Extent to which the residents of Tybee Island, Georgia, work in the City of Tybee Island.* The population of Tybee Island was 3,392 in 2000 (2000 U.S. Census Bureau).

This represents an increase of 19% from the 1990 U.S. Census figure of 2,842. According to the 2000 U.S. Census Database, 441 of the 1,737 workers, or 25.3%, work in their place of residence. *See Exhibit 1.*

(2) *Newspapers and other media that cover Tybee Island's needs and interests.* Tybee Island is served by monthly newspaper, *The Tybee News*. According to its publisher, Lynn Hamilton, *The Tybee News* is a free paper with a circulation of 7,000. *The Tybee News* contains local news for Tybee Island residents including articles on topics such as local government, local business and community news. *See Exhibit 1.*

The City of Tybee Island maintains its own webpage at <[www.cityoftybee.org](http://www.cityoftybee.org)>. By accessing this webpage, city residents may access a wide variety of facts and events concerning Tybee Island, including information regarding city officials, public services, public and committee meetings, development, job opportunities, public schools and community events. Sample pages are attached. *See Exhibit 1.*

(3) *Community leaders and residents perceive Tybee Island as being separate from Savannah.* The City of Tybee Island has its own unique identity and history that are separate from that of Savannah. Tybee Island is a growing beach community located at the mouth of the Savannah River and the Atlantic Ocean coastline off U.S. Highway 80. Tybee Island was settled in 1733 by a small group of English settlers. *See Exhibit 1.* According to the City Clerk of the City of Tybee Island, Jackie Brown, Tybee Island was incorporated in October 15, 1887. The name Tybee is believed to derive from a Euchegee Indian word meaning salt. Initially claimed by the Spanish, French and British, Tybee Island was an area of plantation agriculture and a location for military forts whose development was hindered by harsh conditions and devastating hurricanes. Tybee Island

is the location of the oldest and tallest lighthouse in Georgia constructed in 1773. Initially an isolated community restricted by the harsh environment, Tybee City now is seaside resort including urban and commercial developments, historical landmarks and tourism. See Exhibit I.

(4) *Tybee Island has its own local government and elected officials.* The government of the City of Tybee Island functions independently of any other governmental units, and operates under a mayor/council and city manager form of government. The government structure is a mayor, six council members and an appointed city clerk and city manager. The mayor and council members are elected to two-year terms. Among the departments are: Information Systems, Finance Director, Police, Community Development, Parking Services, Public Works, and Water/Sewer. Among the municipal services provided by the City are: building and zoning, inspections, water, sewer, sanitation, city marshal, YMCA, street maintenance and community center. See Exhibit I. According to Ms. Brown, the 2002 fiscal year budget for the City of Tybee Island is \$5,528,781 and a water/sewer 2002 budget of \$1,642,200.

(5) *The City of Tybee Island has its own zip code and separate governmental listings in the local telephone company.* The zip code designated exclusively for the City of Tybee Island is 31328. The U.S. Postal Service operates the Tybee Island Post Office at 102 South Campbell Avenue. See Exhibit I. According to Ms. Brown, residential and business listings for Tybee Island are found in the Tybee Island Telephone Directory published by Southern Bell, which contains a separate section for the Tybee Island government listings.

(6) *The City of Tybee Island has its own commercial establishments and health facilities.* Tybee Island is home to a variety of businesses and commercial establishments. A low of these businesses identify with the community by using “Tyke Island” in their name, for example: Tybce Market, Tybee Treats, Tybee Island Cruises, Tybee Tours, Tybce Island Charters, nnd Bcnny’s Tybee Tavern. Tybee Island retail businesses include: Atlantic Beacon Gallery, Sundance Bicycle Shop, The Posh Posy, Christy’s Department Store, India Bazaar, XYZ Liquor, Sea Strands, Waves Beachwear and The Novelty Shop. Tybee Island has numerous dining establishments such as: Bubba Gumbo’s, MacElwee’s Scafood, Crab Daddy’s, The Quarter and North Beach Grille. Tybee Island has numerous inns, bed and breakfast inns and hotels such as Hunter House and 17<sup>th</sup> Street Ocean Plaza Beach Resort. *See Exhibit I.*

A number of health care providers are located in the City of Tybee Island. Medical services are provided by Medical Clinic of Tybee and Tybee Medical Center and community residents have a variety of options to take care of their medical needs. *See Exhibit I.*

Tybee Island is also home to a number of religious organizations, such as All Saints Episcopal Church, Chapel by the Sea Baptist Church, St. Michael’s Catholic Church and Trinity Chapel United Methodist Church. *See Exhibit I.* There are many civic organizations and committees in Tybee Island such as Tybee Island Beautification Association, Tybce Island Arts Association, Tybee Island Chamber of Commerce, Tybee Island Historic Society, Tybee Island Marine Rescue Squadron, Tybee Island and American Legion Post 154. Community activities and events that occur in the City of Tybce Island include: Patriot’s Day, Annual November Fest, Tybee Island Surf Kayak,

Christmas Candle Lantern Tour at Fort Pulaski, New Years Eve Street Party, Memorial Health Tybee Marathon and The Annual Tybee Bear Polar Swim.

(7) *Tybee Island is a separate and distinct advertising **market** from Savannah.* According to the City Government and the newspaper serving Tybee Island, businesses in Tybee Island advertise in Tybee News which enables them to reach the residents of Tybee Island and do not rely directly on Savannah media sources. Residents may also access the City's webpage to learn about community events and news. Thus, the residents of Tybee Island do not need to seek out Savannah media sources in order to find what is happening in their community.

(8) *Tybee Island has its own library and its police and fire protection are provided independent of any other jurisdiction.* The Live Oak Public Library System operates the Tybee Island Branch Library which serves the local population. See Exhibit I. The St. Michael's Catholic School an elementary school located on Tybee Island. See Exhibit I.

The City of Tybee Island maintains its own police and fire departments. The Tybee Island Fire Department was established in 1935. The department consists of a Fire Chief and 39 volunteers. The Tybee Island Police Department is composed of three divisions: patrol, criminal investigation and administration. The department is composed of a Chief of Police, two lieutenants and several officers. See Exhibit I.

The City of Tybee Island has a full range of parks and recreation services that are available to its residents. Tybee Memorial Park offers picnicking, basketball courts, playgrounds and ball fields. It is the location of monuments to those local citizens who served during World War II. See Exhibit 1.



Tybee Island has several museums and historical attractions. The Tybee Island Marine Science Center consists of aquariums and exhibits on native water life and species. Fort Pulaski National Monument Park is located on Tybee Island. The Tybee Island Light Station and Museum was originally constructed in 1736 and is now a historical landmark opened to the public. See Exhibit I

The United States Coast Guard operates Station Tybee Base in Tybee Island. The station is composed of 28 men and women. See Exhibit I.

## **II. STATION WEAS, SAVANNAH TO SPRINGFIELD, GEORGIA**

### **A. Technical Analysis**

5. The relocation of WEAS to Springfield, Georgia can be made at the station's current site consistent with Section. 73.207 of the Commission's Rules. See Figure 5. A 70 dBu signal can be provided to Springfield. See Figure 6. There will be no loss or gain in service area.

### **B. Change in Community of License**

6. The deletion of Channel 226C1 from Savannah and its reallocation to Springfield satisfies the requirements for a change in community of license. See *Community of License, supra*. First, the proposed allocation of Channel 226C1 at Savannah is mutually exclusive with the existing allocation of Channel 226C1 at Springfield. See Figure 5. Second, the relocation results in a preferred arrangement of allocations under the Commission's priorities, since when combined with the WSIS proposal, Tybee Island will receive a first local service (Priority 3), Springfield will retain a local service while Savannah (pop. 101,505) will retain local service from fourteen local stations. See *Revision of FM Assignment Policies and Procedures, supra*.

7. Savannah is the central city in the Savannah Urbanized Area, and the 70 dBu signal will not change. However, Springfield is not located in the Savannah Urbanized Area. Therefore, this relocation does not implicate the Commission's policy concerning the potential

migration of stations from underserved rural areas to well-served urban areas. See *Elizabeth City, North Carolina and Chesapeake, Virginia*, 9 FCC Rcd 3586 (1994). Since Springfield is already qualified as a community which has a local service, no community indicia or Tuck showing is needed for Springfield.

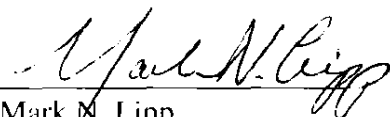
### III. CONCLUSION

Grant of this petition is in the public interest because Tybee Island will receive first local service and an additional 70,081 people will be able to receive radio service. Springfield and Savannah will retain local service, and the residents of the respective areas will continue to enjoy reception of many aural services. The Commission should promptly issue a Notice of Proposed Rule Making as described herein

Respectfully submitted,

CUMULUS LICENSING CORP.

By:

  
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Its Counsel

January 3, 2003



**ENGINEERING STATEMENT**

**IN SUPPORT OF A**

**PETITION FOR RULE MAKING**

**CHANNEL 280C2, TYBEE ISLAND, GA  
CHANNEL 226C1, SPRINGFIELD, GA**

**Cumulus Licensing Corp.**

**Prepared by:**

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(205) 618-2020**

**December, 2002**

**Engineering Statement**  
**In Support of a**  
**Petition for Rule Making**  
**Channel 280C2, Tybee Island, Georgia**  
**Channel 226C1, Springfield, Georgia**  
**Cumulus Licensing Corp.**

**General**

Cumulus Licensing Corp. ("Cumulus"), through the instant petition for rule making, hereby seeks to change the Table of Allotments. Cumulus requests that channel 280C3 at Springfield, Georgia (used by radio station WSIS) be deleted and channel 280C2 be substituted at Tybee Island, Georgia as that community's first local service. Since that substitution would leave Springfield, Georgia without local service, Cumulus proposes to delete channel 226C1 at Savannah (used by radio station WEAS) and allocate channel 226C1 at Springfield, Georgia. Savannah will continue to be served by numerous other facilities. This rule making requires no other modifications to the spectrum.

**Exhibits Explained**

Exhibit E, Figure 1 is an allocation study showing that the proposed allocation of channel 280C2 at Tybee Island is fully spaced to all other facilities (with the exception of the current licensed WSIS facility). The reference coordinates for this site are inside the community of Tybee Island.

Exhibit E, Figure 2 shows the proposed allocation site, the community boundaries of Tybee Island, and the hypothetical class C2 70 dBu contour. Exhibit E, Figure 3 shows the 60 dBu area gained and lost as a result of the proposed modification (areas over water are ignored).

Exhibit E, Figure 4 shows that the loss area will continue to be served by 5 other aural services.

Exhibit E, Figure 5 shows that WEAS is fully spaced at its current site. Cumulus proposes to change the city of license of WEAS from Savannah to Springfield at its current site. Exhibit E, Figure 6 shows that WEAS easily covers Springfield with a hypothetical class C1 70 dBu contour.

### **Conclusion**

The proposed allocation of channel 28062 at Tybee Island, Georgia provides a new first local service to a community of 3,392 persons while maintaining service to Springfield, Georgia. It also provides new service to a net of 70,081 persons.

Proposed changes to the table of Allotments are as follows:

<b><u>Community</u></b>	<b><u>Current</u></b>	<b><u>Proposed</u></b>
Tybee Island, GA	----	<b><u>280C2</u></b>
Savannah, GA	<b><u>226C1</u></b> , 231CO, 238C1, 243C, 247C0, 271C	231CO, 238C1, 243C, 247C0, 271C
Springfield, GA	<b><u>280C3</u></b>	<b><u>226C1</u></b>

**Statement of the Consultants**

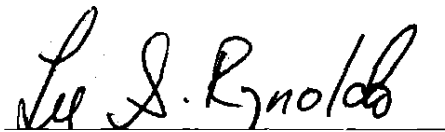
The instant engineering statement was prepared for Cumulus Licensing Corp. ("Cumulus") and supports a petition for rule making. It was developed by Reynolds Technical Associates ("RTA") and may not be used for purposes other than submission to the Commission by RTA.

It may not be reproduced in its entirety, or in part, by anyone (other than from the Commission) without the written consent of RTA.

It is prepared for Cumulus under contractual agreement, and its certification by RTA is used accordingly. If Cumulus fails in its contractual obligation, RTA reserves the right to withdraw its certification.

The information in this application is compiled from the most recent Commission and outside data. RTA is not responsible for errors resulting from incorrect data or unpublished rule and procedure changes.

For RTA:

  
\_\_\_\_\_  
Lee S. Reynolds

December 16<sup>th</sup> 2002

12585 Old Highway 280 East, Suite 102  
Chelsea, Alabama 35043  
(205) 618-2020

## Engineering Statement

### In Support a

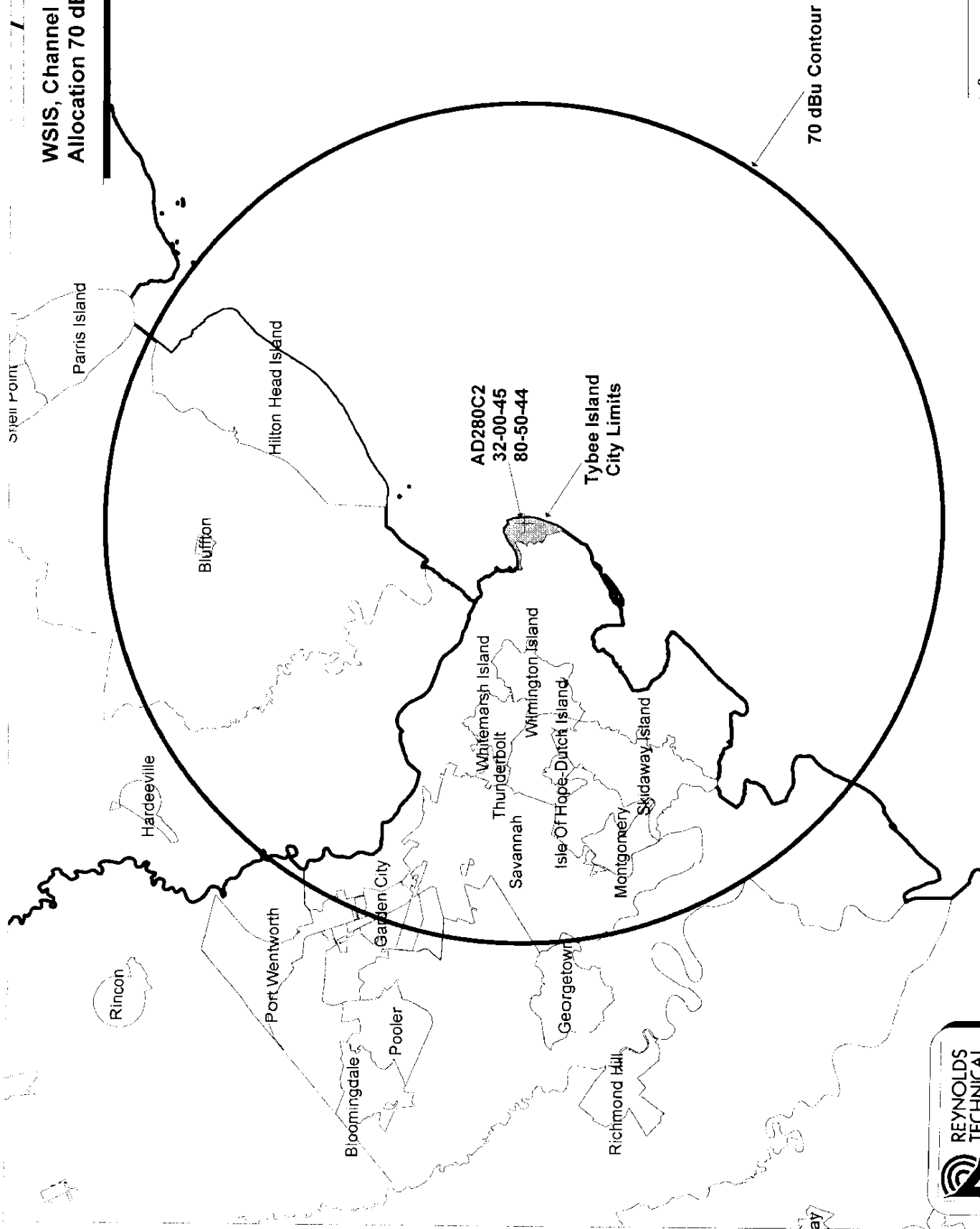
### Petition for Rule Making

### Channel 280C2 at Tybee Island, GA Allocation Study

(Using a SOU-foot registered tower site as reference)

REFERENCE						DISPLAY DATES
32 00 45 N			CLASS = C2			DATA 12-05-02
80 50 44 W			Current Spacings			SEARCH 12-13-02
----- Channel 280 - 103.9 MHz						
Call	Channel	Location	Dist	Azi	FCC	Margin
-----						
Community of	Tybee Island	GA	1.39	180.0		
Reference Coordinates:						
North Latitude: 32-00-00						
West Longitude: 80-50-44						
WSIS	LIC 280C3	Springfield	GA	44.33	312.2	177.0 -132.67
Of no concern:						
Licensed coordinates of WSIS						
WSEG	LIC 281A	Brunswick	GA	109.51	214.1	106.0 3.51
WHXT	LIC 280C3	Orangeburg	SC	183.86	359.2	177.0 6.86
ATTO	VAC 279A	Metter	GA	120.30	291.3	106.0 14.30
WBMZ.A	APP 279A	Metter	GA	120.79	291.2	106.0 14.79
WRBX.C	CP 281A	Reidsville	GA	121.59	271.3	106.0 15.59
WRBX	LIC 281A	Reidsville	GA	121.59	271.3	106.0 15.59
WEASF	LIC 226C1	Savannah	GA	46.94	273.8	27.0 19.94
WWSN.C	CP 277C	Waycross	GA	142.99	228.5	105.0 37.99
WWSN	LIC 277C	Waycross	GA	142.99	228.5	105.0 37.99
-----						

**WSIS, Channel 280C2  
Allocation 70 dBu Contour**



**Exhibit E, Figure 2**



Pop. Gain = 107,801  
Pop. Loss = 37,720  
Area Gain = 1,590 sq km  
Area Loss = 2,204 sq km

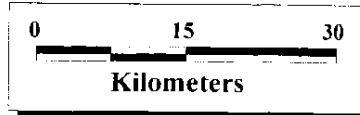
WSIS, Channel 280C2  
Gain/Loss Study

LOSS AREA

GAIN AREA



Exhibit E, Figure 3



WSIS, Channel 280C2  
Remaining Services Study

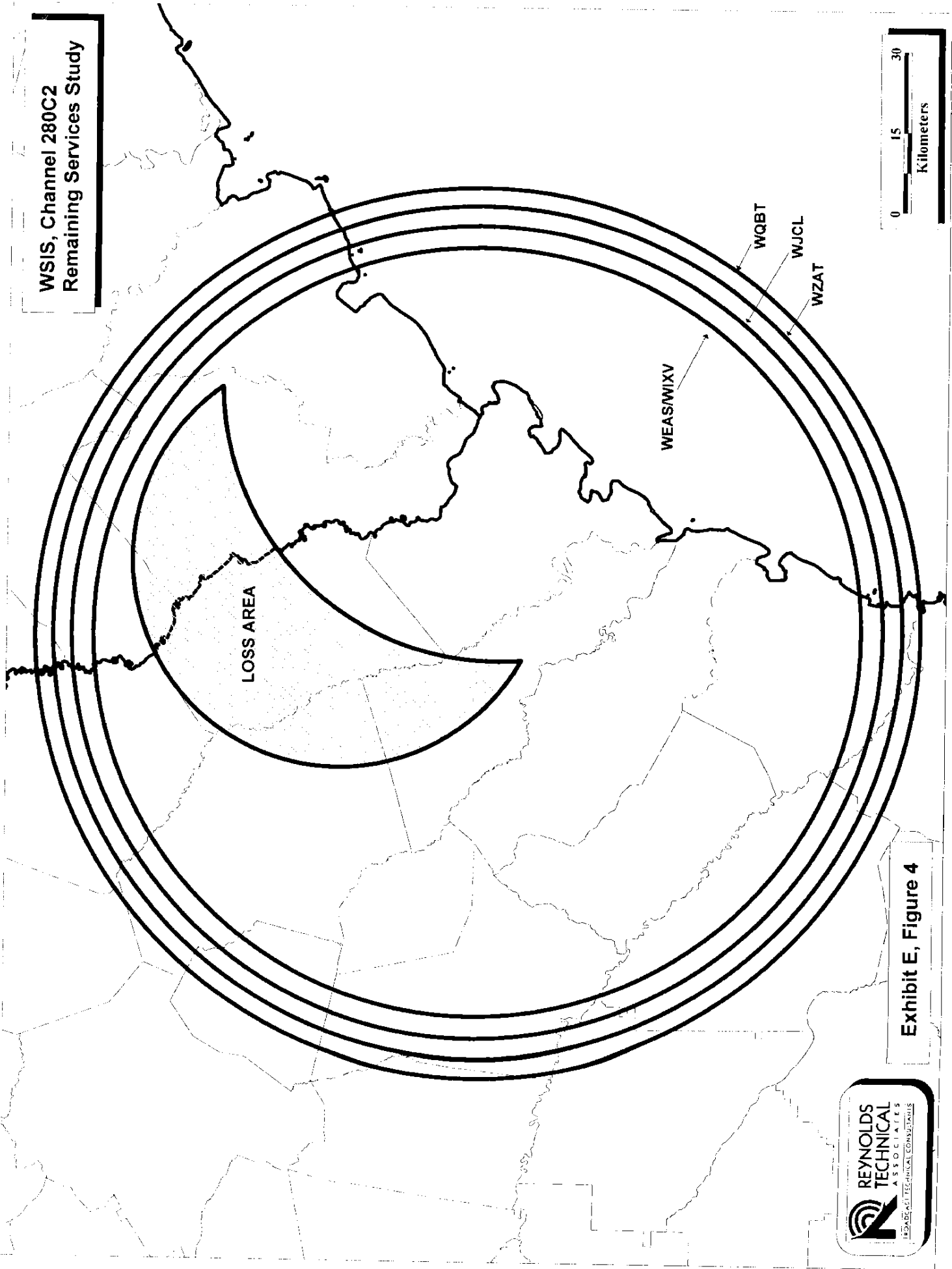


Exhibit E, Figure 4

# Engineering Statement

## In Support a

### Petition for Rule Making

#### Channel 226C1 at Springfield, GA Allocation Study

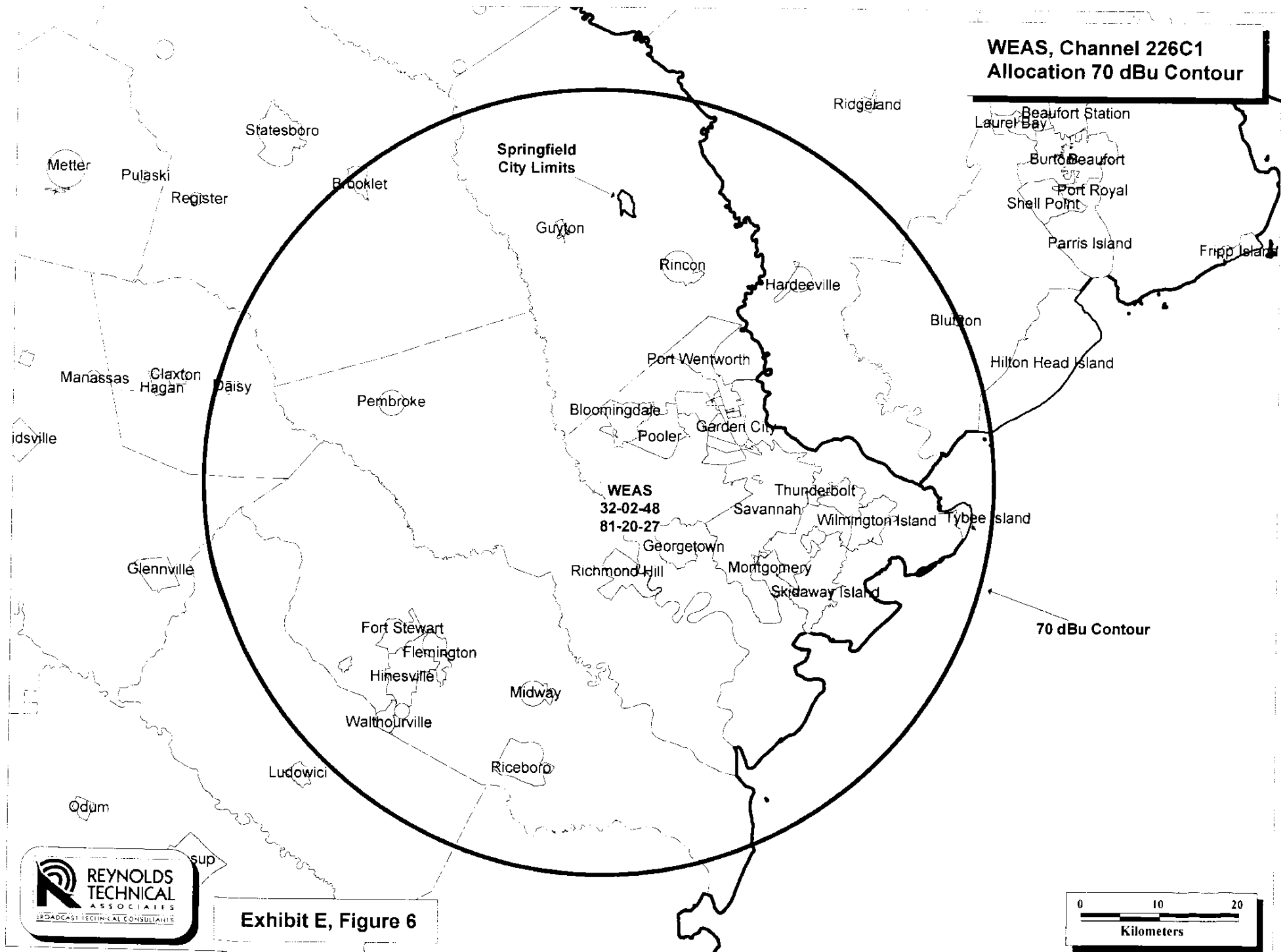
(Using current site of WEAS as reference)

REFERENCE		CLASS = C1	DISPLAY DATES
32 02 48 N		Current Spacings	DATA 12-05-02
81 20 27 W			SEAKCH 12-12-02
----- Channel 226 - 93.1 MHz -----			

Call	Channel	Location		Dist	Azi	FCC	Margin
<b>Community of</b>	<b>Springfield</b>	<b>GA</b>		<b>36.20</b>	<b>4.3</b>		
Reference Coordinates:							
North Latitude: 32-22-20							
West Longitude: 81-10-42							
<b>WEAS</b>	<b>LIC 226C1</b>	<b>Savannah</b>	<b>GA</b>	<b>0.00</b>	<b>0.0</b>	<b>245.0</b>	<b>-245.00</b>
Of no concern:							
Licensed coordinates of channel 226C1 at Savannah (WEAS)							

ALLO	VAC 225A	Waynesboro	GA	132.99	332.4	133.0	-0.01
WRFN	LIC 226A	Warrenton	GA	200.78	323.9	200.0	0.78
ALLO	VAC 226A	Pineview	GA	201.35	269.5	200.0	1.35
ALLO	VAC 227A	Wadley	GA	135.14	312.7	133.0	2.14
WSTS	LIC 280C3	Springfield	GA	29.32	27.9	24.0	5.32
WZMJ	LIC 226A	Batesburg	SC	205.69	358.3	200.0	5.69
WWWZ	LIC 227C2	Summerville	SC	163.86	54.0	158.0	5.86
WPTA	LIC 227C2	Callahan	FL	166.50	187.0	158.0	8.50
RADD	ADD 229C3	St. Simons Island	GA	89.78	189.6	76.0	13.78
RADD	ADD 229A	St. Simons Island	GA	92.43	182.2	75.0	17.43
WHFX	LIC 224A	St. Simons Island	GA	98.94	187.4	75.0	23.94
WDOCFM	LIC 228A	Allendale	SC	108.25	0.4	75.0	33.25
WALI	LIC 229A	Walterboro	SC	115.48	39.2	75.0	40.48
WVOHFM	LIC 228C3	Hazlehurst	GA	117.85	259.8	76.0	41.85

**WEAS, Channel 226C1  
Allocation 70 dBu Contour**



**Exhibit E, Figure 6**

